

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 285**

[Docket No. 950426116-5264-03; I.D. 102595B]

RIN 0648-AG14

Atlantic Tuna Fisheries; Permit Requirements

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correcting amendment.

SUMMARY: NMFS corrects the final regulations governing the Atlantic tuna fisheries by removing Atlantic bonito from the list of species in 50 CFR 285.53(d) for which a private recreational vessel permit is required. When issuing the final regulations it was not the intent of NMFS to extend permit requirements to recreational vessels fishing for bonito and no other Atlantic tunas.

EFFECTIVE DATE: November 16, 1995.

ADDRESSES: Permit applications and reporting forms are available from NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930-3799.

FOR FURTHER INFORMATION CONTACT: Christopher W. Rogers, 301-713-2347; or Kevin B. Foster, 508-281-9260.

SUPPLEMENTARY INFORMATION: The Atlantic tuna fisheries are managed under regulations at 50 CFR part 285 issued under the authority of the Atlantic Tunas Convention Act (ATCA). The ATCA authorizes the Secretary of Commerce (Secretary) to implement regulations as may be necessary to carry out the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The authority to implement ICCAT recommendations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA.

ICCAT requires that contracting parties implement information collection programs to monitor fishing effort and catch in commercial and recreational fisheries. By final rule, NMFS revised and extended the permitting/reporting requirements for the Atlantic tuna fisheries to apply to all Atlantic tunas (60 FR 38505, July 27, 1995). For ICCAT fishery data collection purposes, Atlantic tunas are defined under the regulations to mean: Bluefin tuna, yellowfin tuna, skipjack tuna,

bigeye tuna, albacore tuna, and bonito. Atlantic bonito means the fish species *Sarda chiliensis* or *Sarda sarda*.

It was not the intention of NMFS to extend permit requirements to recreational vessels fishing solely for bonito and no other Atlantic tunas. The final rule inadvertently included Atlantic bonito in the list of species for which a recreational vessel permit is required (50 CFR 285.53(d)). This correcting amendment revises the final regulations by removing Atlantic bonito from that list. Removal will not compromise the collection of fishery information required by ICCAT.

This correction does not affect the requirement for vessel permits for operators engaging in the sale of Atlantic tunas (including bonito) nor the requirement for dealer permits for the purchase of Atlantic tunas. Commercial vessel owners taking Atlantic tunas, including charter/headboat operators, and Atlantic tuna dealers must obtain permits by November 15, 1995. Recreational vessels taking any Atlantic tuna other than bonito must obtain permits by January 1, 1996. Permit applications and reporting forms are available from NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930-3799.

Classification

Because this amendment only corrects an error to make an existing set of regulations for which full prior notice and opportunity for comment have been given consistent with the regulatory intent, under 5 U.S.C. 553(b)(B), it is unnecessary to provide prior notice and opportunity for comment.

This amendment imposes no new requirements on anyone subject to these regulations, and removes or relieves an unintended restriction. Accordingly, under 5 U.S.C. 553(d), the correction is being made effective immediately.

This rule is exempt from review under E.O. 12866.

List of Subjects in 50 CFR Part 285

Fisheries, Fishing, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: November 13, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 285 is corrected by making the following correcting amendment:

PART 285—ATLANTIC TUNA FISHERIES

1. The authority citation for part 285 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*

2. In § 285.53 paragraph (d) is revised to read as follows:

§ 285.53 Vessel permits.

* * * * *

(d) *Recreational vessel permits.* Effective January 1, 1996, owners or operators of private recreational vessels are required to obtain vessel permits in order to fish for, catch, retain, or land Atlantic yellowfin, bigeye, albacore, and skipjack tunas. Anglers aboard private recreational vessels must adhere to applicable daily catch limits. Atlantic tunas taken on board private recreational vessels may not be sold.

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[FR Doc. 95-28362 Filed 11-16-95; 8:45 am]

BILLING CODE 3510-22-F

50 CFR Part 625

[Docket No. 930832-3314; I.D. 110795A]

Summer Flounder Fishery; Commercial Quota Transfer From Maryland to New York

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, (NOAA), Commerce.

ACTION: Commercial quota transfer.

SUMMARY: NMFS announces that the State of Maryland is transferring 50,000 lb (22,680 kg) of commercial summer flounder quota to the State of New York. NMFS adjusted the quotas and announces the revised commercial quota for each state involved.

EFFECTIVE DATE: November 13, 1995.

FOR FURTHER INFORMATION CONTACT: Lucy Helvenston, 508-281-9347.

SUPPLEMENTARY INFORMATION: Regulations implementing Amendment 2 to the Fishery Management Plan for the Summer Flounder Fishery (FMP) are found at 50 CFR part 625. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percentage allocated to each state is described in § 625.20.

The commercial quota for summer flounder for the 1995 calendar year was set equal to 14,690,407 lb (6,663,456 kg), and the allocations to each state were published February 16, 1995 (60 FR 8958). At that time, Maryland was

allocated a quota of 299,551 lb (135,874 kg), and New York was allocated a quota of 1,123,374 lb (509,554 kg).

The final rule implementing Amendment 5 to the FMP was published December 17, 1993 (58 FR 65936), and allows two or more states, under mutual agreement and with the concurrence of the Director, Northeast Region, NMFS (Regional Director), to transfer or combine summer flounder commercial quota. The Regional Director is required to consider the criteria set forth in § 625.20(f)(1), in the evaluation of requests for quota transfers or combinations.

Maryland has agreed to transfer 50,000 lb (22,680 kg) of commercial quota to New York. The Regional Director has determined that the criteria set forth in § 625.20(f)(1) have been met, and publishes this notification of quota transfers. The revised quotas for the calendar year 1995 are: Maryland, 249,551 lb (113,194 kg); and New York, 1,173,374 lb (532,233 kg).

This action does not alter any of the conclusions reached in the environmental impact statement prepared for Amendment 2 to the FMP regarding the effects of summer flounder fishing activity on the human environment. Amendment 2 established procedures for setting an annual coastwide commercial quota for summer flounder and a formula for determining commercial quotas for each state. The quota transfer provision was established by Amendment 5 to the FMP and the environmental assessment prepared for Amendment 5 found that the action had no significant impact on the environment. Under section 6.02b.3(b)(i)(aa) of NOAA Administrative Order 216-6, this action is categorically excluded from the requirement to prepare additional environmental analyses. This is a routine administrative action that reallocates commercial quota within the scope of previously published environmental analyses.

Classification

This action is taken under 50 CFR part 625 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 13, 1995.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-28415 Filed 11-13-95; 4:50 pm]

BILLING CODE 3510-22-F

50 CFR Part 625

[Docket No. 950206038; I.D. 110395A]

Summer Flounder Fishery; Commercial Quota Transfer from North Carolina to Virginia

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, (NOAA), Commerce.

ACTION: Commercial quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring 50,658 lb (22,978 kg) of commercial summer flounder quota to the Commonwealth of Virginia. NMFS adjusted the quotas and announces the revised commercial quota for each state involved.

EFFECTIVE DATE: November 13, 1995.

FOR FURTHER INFORMATION CONTACT: Lucy Helvenston, 508-281-9347.

SUPPLEMENTARY INFORMATION: Regulations implementing Amendment 2 to the Fishery Management Plan for the Summer Flounder Fishery (FMP) are found at 50 CFR part 625. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 625.20.

The commercial quota for summer flounder for the 1995 calendar year was set equal to 14,690,407 lb (6,663,456 kg), and the allocations to each state were published February 16, 1995 (60 FR 8958). At that time, North Carolina was allocated a quota of 4,031,905 lb (1,828,841 kg), and Virginia was allocated a quota of 3,131,519 lb (1,420,433 kg). A transfer of commercial summer flounder quota of 7,229 lb (3,279 kg) between North Carolina and New Jersey reduced the summer flounder quota for North Carolina to 4,024,676 lb (1,825,562 kg) which was published August 30, 1995 (60 FR 45107).

The final rule implementing Amendment 5 to the FMP was published December 17, 1993 (58 FR 65936), and allows two or more states, under mutual agreement and with the concurrence of the Director, Northeast Region, NMFS (Regional Director), to transfer or combine summer flounder commercial quota. The Regional Director is required to consider the criteria set forth in § 625.20(f)(1), in the evaluation of requests for quota transfers or combinations.

North Carolina has agreed to transfer 50,658 lb (22,978 kg) of commercial

quota to Virginia. The Regional Director has determined that the criteria set forth in § 625.20(f)(1) have been met. The revised quotas for the calendar year 1995 are: North Carolina, 3,974,018 lb (1,802,584 kg); and Virginia, 3,182,177 lb (1,443,411 kg).

This action does not alter any of the conclusions reached in the environmental impact statement prepared for Amendment 2 to the FMP regarding the effects of summer flounder fishing activity on the human environment. Amendment 2 established procedures for setting an annual coastwide commercial quota for summer flounder and a formula for determining commercial quotas for each state. The quota transfer provision was established by Amendment 5 to the FMP and the environmental assessment prepared for Amendment 5 found that the action had no significant impact on the environment. Under section 6.02b.3(b)(i)(aa) of NOAA Administrative Order 216-6, this action is categorically excluded from the requirement to prepare additional environmental analyses. This is a routine administrative action that reallocates commercial quota within the scope of previously published environmental analyses.

Classification

This action is taken under 50 CFR part 625 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 13, 1995.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-28414 Filed 11-13-95; 4:50 pm]

BILLING CODE 3510-22-F

50 CFR Part 642

[Docket No. 950725189-5260-02; I.D. 062795A]

RIN 0648-XX24

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Changes in Catch Limits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS announces changes in the management measures applicable to the Atlantic migratory groups of king and Spanish mackerel and the Gulf